

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BARRY W. THOMAS, Plaintiff,	)	
	)	
	)	
v.	)	Case No. 2:07cv231-TJW
	)	
COX COMMUNICATIONS, INC., et al.,	)	
Defendants.	)	
_____	)	

**MOTION FOR VOLUNTARY PARTIAL DISMISSAL UNDER RULE 41(a)**





Comes now Plaintiff, and for his Motion for Partial Dismissal, states:

1. Pursuant to Rule 41(a), Federal Rules of Civil Procedure, the Plaintiff, Barry W. Thomas, hereby moves the Court to dismiss Separate Defendant CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS (“Verizon”) only, without prejudice to any claim of the Plaintiff against Verizon or any other party.

WHEREFORE, the Plaintiff prays that the Court enter an Order dismissing Defendant Cellco Partnership d/b/a Verizon Wireless without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure; and for all other just and proper relief to which he may be entitled.

Respectfully Submitted:

HARRELSON LAW FIRM, P.A.  
Post Office Box 40 (75504)  
300 State Line Avenue  
Texarkana, Arkansas 71854  
Tel.: (870) 772-0300  
Fax: (870) 772-0302

BY:   
Steve Harrelson  
 Ark. Bar No. 2000086  
 La. Bar Roll No. 28361  
 Tex. Bar No. 24036729

and

/s/ James M. Harrington  
James M. Harrington, *pro hac vice*  
N.C. State Bar No. 30005  
The Harrington Practice PLLC  
1905 J.N. Pease Place, Suite 202  
Charlotte, NC 28262-4539  
Telephone: 704-717-8767  
Facsimile: 704-717-8768  
E-mail: [jharrington@hprac.com](mailto:jharrington@hprac.com)  
**ATTORNEY FOR THE PLAINTIFF**

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of July 2007, a true and correct copy of the foregoing Motion was sent by ECF to counsel of record for Defendants.

  
Steve Harrelson